

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation of  
Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

DAVID R. MARKIN, individually and as trustee of  
the David Markin Charitable Remainder Unitrust #1,  
and David R. Markin Charitable Remainder Unitrust  
#2, SOUTHPAC INTERNATIONAL TRUST LTD.,  
as trustee of the David R. Markin 2003 Trust,  
DAVID R. MARKIN 2003 TRUST, DAVID  
MARKIN CHARITABLE REMAINDER  
UNITRUST #1, DAVID R. MARKIN  
CHARITABLE REMAINDER UNITRUST #2,

Defendants.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

Adv. Pro. No. 10-05224 (SMB)

**ORDER TO SHOW CAUSE**

THIS MATTER having been brought to the Court's attention through the application (the "Application") of the Personal Representative of estate of David R. Markin ("the Markin Estate"), successor in interest to defendant, David R. Markin in the above-captioned action (the

“Defendant”), seeking relief under Rule 9077-1(a) of the Local Bankruptcy Rules for the Southern District of New York, for an expedited hearing on their motion pursuant to Rule 25 of the Federal Rules of Civil Procedure (made applicable by Rule 7025 of the Federal Rules of Bankruptcy Procedure), to substitute the Markin Estate and the Personal Representative for the Defendant solely in his capacity as the holder of the Related Account Customer Claim, as such claim is defined in the Application, in the above captioned adversary filed by Irving H. Picard, trustee (the “Trustee”) of Bernard L. Madoff Investment Securities LLC (“BLMIS”); and

UPON REVIEW AND CONSIDERATION of the Application, the supporting Declaration of Carole Neville, Esq. (the “Neville Declaration”), and all of the prior proceedings, pleadings and other submissions in this and related actions;

Now, therefore, IT IS HEREBY:

ORDERED that the Trustee show cause before this Court, United States Bankruptcy Court for the Southern District of New York, One Bowling Green, New York, New York, 10004 on the **1<sup>st</sup> day of November, 2017, at 2:00 p.m.**, as to why the Court should not issue an Order.

IT IS FURTHER ORDERED that any responses or objections to the relief sought shall be filed and served upon counsel for the Markin Estate by **October 31<sup>st</sup>, 2017 by 4pm**; ~~and it is further~~[SMB: 10/25/17]

~~ORDERED that any replies by the Markin Estate shall be filed and served upon counsel for the Trustee by \_\_\_\_\_; and it is further~~[SMB: 10/25/17]

ORDERED that the Markin Estate shall serve a copy of this Order to Show Cause, the Memorandum of Law in Support of the Defendants’ Application, and the Neville Declaration, on counsel of record for the Trustee by **10:00 a.m. ~~p.m.~~ on October 26<sup>th</sup>, 2017**; and it is further

ORDERED that all service hereunder shall be made via electronic mail, facsimile, ~~overnight delivery, and/or hand delivery, as well as the Court's Electronic Case Filing ("ECF")~~ system.**[SMB: 10/25/17]**

ORDERED, that this Court shall retain jurisdiction with respect to all matters relating to the interpretation or implementation of this Order.

Dated: New York, New York  
October 25, 2017

**/s/ STUART M. BERNSTEIN**  
HONORABLE STUART M. BERNSTEIN  
UNITED STATES BANKRUPTCY JUDGE